

Remarks

Claims 42 – 53 remain pending in the present application, with claims 42 and 48 being the independent claims. Pending claim 42 is directed to the invention set forth in original claim 17 and pending claim 48 is directed toward the invention set forth in original claim 30. These claims were grouped together by the Examiner in the restriction mailed on June 28, 2004.

Applicant's attorney misunderstood the subsequent restriction mailed on July 15, 2005 based on the Examiner's statement that there was no need to make an election and that the Examiner considered that the claims should have been canceled. Accordingly, Applicant's response was directed toward demonstrating that the Applicant's previous response was in fact responsive and that the pending claims were all directed toward the invention in group IV that was elected by Applicant in its July 26, 2004 reply.

To advance prosecution of this application, Applicant provisionally elects the claims in Group II. However, Applicant requests that the restriction be withdrawn and that the claims originally elected by Applicant in response to the first restriction be examined.

Conclusion

Pursuant to the remarks set forth in Applicant's August 15, 2005 paper, Applicant respectfully asserts that all pending claims are presently in condition for allowance and a notice of allowance for claims 42 – 53 is respectfully requested.

Respectfully submitted,
Procopio, Cory, Hargreaves & Savitch LLP

Dated: March 31, 2006

By: /Patric J. Rawlins/
Patric J. Rawlins
Reg. No. 47,887

Procopio, Cory, Hargreaves & Savitch LLP
530 B Street, Suite 2100
San Diego, California 92101-4469
(619) 238-1900